

116. A polypeptide comprising a SCHAG amino acid sequence selected from the group consisting of: SEQ ID NOS: 2, 4, and 50, or fragments thereof, with the proviso that at least one amino acid in the SCHAG amino acid sequence has been substituted for by an amino acid with a reactive side chain, said amino acid with reactive side chain selected from the group consisting of cysteine, lysine, tyrosine, glutamate, aspartate, and arginine.

117. A polypeptide according to claim 116, wherein the SCHAG amino acid sequence comprises SEQ ID NO: 1, with the proviso that amino acid 184 of SEQ ID NO: 1 has been substituted for by an amino acid selected from the group consisting of cysteine, lysine, tyrosine, glutamate, aspartate, and arginine.

118. A polypeptide according to claim 117, wherein the SCHAG amino acid sequence comprises SEQ ID NO: 1, with the proviso that amino acid 2 of SEQ ID NO: 1 has been substituted for by an amino acid selected from the group consisting of cysteine, lysine, tyrosine, glutamate, aspartate, and arginine.

REMARKS

I. Prosecution history.

In a preliminary amendment accompanying the application as filed, the Applicants canceled claims 3, 5-6, 8-18, 21, 23, 33-37, 39, 40, 43-45, 47, 50-54, 59-62, 64, 68-74, 76-80, 82-85, 87-89, 94-96, and 98-100, solely to minimize the filing fee for the application prior to a possible restriction requirement. The Applicants reserved the right to re-introduce claims to the same subject matter in this application and/or pursue such claims in related applications, such as divisional or continuing applications.

II. Review of the Restriction Requirement and Election of Invention

The restriction requirement alleged four distinct inventions, but was incomplete insofar as it failed to classify claim 81 into one of the four groups:

- Group I: Claims 1, 2, 4, 7, 19, 20, 22, 24-32, 46, 48, 61, and 97, “drawn to polynucleotides and chimeric polypeptides”;
- Group II: Claims 38, 41, and 42, drawn to “methods of modifying a cell such that polypeptide fibrils are produced in the cell”;
- Group III: Claims 49, 75, 86, 90-93, drawn to “methods of making a composition comprising polypeptide fibrils”; and
- Group IV: Claims 55-58, 60, 61, 63, 65, 66 and 67, drawn to method of making a reactive [SCHAG] amino acid sequence”.

Claim 81 is directed to polypeptide/polynucleotide subject matter, and thus presumably was intended to be placed in Group I. However, claim 81 optionally includes fusions, but does not require fusions. Claim 81 requires the inclusion of a reactive amino acid. Claim 81 subject matter could be characterized as the product resulting from methods of Group IV.

The restriction requirement also included an election of species directed the applicant to elect “a single disclosed species of polynucleotide and encoded fusion polypeptide.” (See pp. 3-4.)

In response, the Applicants hereby elect the subject matter of claim 81, which is apparently intended to fall within Group I.

With respect to election of species, the Applicants hereby elect *S. cerevisiae* Sup35 polynucleotides and polypeptides (SEQ ID NO:2), and more particularly the NM regions (residues 1-253) and still more particularly the N region (amino acids 1-123) of this sequence. If election of a single modification is required, the Applicants hereby elect substitution of a cysteine residue into the Sup35-sequence (see, e.g., Table 1 at p. 86 of the application). Given the election of claim 81-type subject matter, it is unclear that a fusion partner must be elected, but if so, the Applicants elect a metal binding protein such as a ferritin.

Due to the ambiguity relating to claim 81 and the restriction, the Applicants request that the Examiner contact the undersigned attorney-if this election is deemed to be problematic or incomplete in any way.

III. Traversal of Restriction

The Applicants respectfully submit that examination of the elected subject matter and the Group IV subject matter would involve no undue burden, because the claims are related as a method of making and a product made. A thorough search of one group would likely share common attributes with a thorough search of the other.

The Applicants also urge that a search of more than a single polynucleotide or encoded polypeptide would not be unduly burdensome, especially if the sequences are closely related (e.g., numerous modifications of SEQ ID NO: 2), or if the Examiner can find no literature suggesting the Applicants generic invention.

Irrespective of the merits of the restriction, the Applicants request fair consideration of their generic claims and allowance of a reasonable number of species within the scope of novel and unobvious genus claims.

IV. Explanation of Amendments

Claims are canceled herein solely to minimize fees for added claims, and the Applicants reserve the right to reintroduce those claims in this application or related applications.

Support for inclusion of a reactive amino acid into a SCHAG sequence is found, e.g., at pp. 24-26 of the application.

Support for inclusion of a tag into polypeptides of the invention is found at, e.g., pages 16-17 of the application.

Support for the Markush group of substituents is found, e.g., at p. 26 of the application.

Claims 114-117 mirror claims 82-85 as originally filed.


V. Petition for Extension of Time and Deposit Account Authorization

~~This amendment is timely filed with a petition and fee for one month~~
extension of time to extend the period for response until December 3, 2001
(December 2 having fallen on a Sunday). Please consider this to be a petition for the

necessary extension. The Patent Office is authorized to charge the extension fee and any other necessary fees associated with this submission to Deposit Account No. 13-2855.

Respectfully submitted,

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